

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RODNEY MARSHALL,

Petitioner,

: Case No. 3:14-cv-170

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

RONDA RICHARD, Warden,
Madison Correctional Institution

:

Respondent.

**ORDER STAYING HABEAS CASE AND ORDERING PETITIONER
TO FILE FOR A DELAYED DIRECT APPEAL**

This habeas corpus case is before the Court on District Judge Rose's adoption of the Magistrate Judge's Report and Recommendations (Doc. Nos. 17, 18) concluding that Petitioner has not exhausted available state court remedies on his claims that his guilty plea was not voluntary and that he received ineffective assistance of trial counsel. It is accordingly ORDERED:

1. Petitioner shall apply to the Ohio Supreme Court not later than June 12, 2015, for permission to file a delayed direct appeal of the two unexhausted claims. Petitioner's failure to do so will result in this Court's finding that the claims are procedurally defaulted.
2. This case is ordered STAYED pending the outcome of Petitioner's application for delayed direct appeal.

May 21, 2015.

s/ *Michael R. Merz*
United States Magistrate Judge